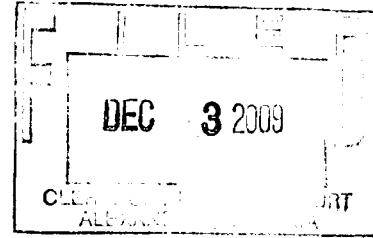


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



MUSTAFA S. HASSAN,

Plaintiff,

v.

COMMONWEALTH OF VIRGINIA, et al,

Defendants.

1:09cv1309 (LMB/TCB)

ORDER

Plaintiff has filed a complaint seeking relief from a state court conviction. In his affidavit, attached to his complaint, plaintiff states that he was found guilty of charges in Fairfax County Criminal Court¹ and requests that this Court set aside that decision. This Court, being a district court within the federal system, has no jurisdiction over the decisions of Virginia state courts where a party's appeals within the state court system have not yet been exhausted. See Gorman v. Washington University, 316 U.S. 98 (1942); 28 U.S.C.A. § 1257. If plaintiff wishes to appeal the decision of the trial court, he will have to do so within the Virginia state court system. Accordingly, it is hereby

ORDERED that the Complaint [1] be and is DISMISSED, and it

¹ There is no Fairfax County Criminal Court, but the Court assumes plaintiff is referring either to the Fairfax County Circuit Court or, if the crime is a misdemeanor, to the Fairfax County General District Court.

is further


ORDERED that plaintiff's Motion for Leave to Proceed in Forma Pauperis [2] and Motion to Appoint Counsel [3][7] be and are DENIED AS MOOT.

To appeal this decision, plaintiff must file, within thirty (30) days of the date of this Order, a written Notice of Appeal with the Clerk of this court.

The Clerk is directed to forward copies of this Order to plaintiff pro se.

Entered this 3rd day of December, 2009.

Alexandria, Virginia

/s/ 
Leonie M. Brinkema
United States District Judge